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*Attorneys for Plaintiff and the Alleged Classes*

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

10 ABANTE ROOTER AND PLUMBING,  
11 INC., individually and on behalf of all others  
similarly situated,

12 Plaintiff,

13 v.

14 TOTAL MERCHANT SERVICES, LLC, a  
Delaware limited liability company,

15 Defendant.

Case No. 3:19-cv-05711-EMC

**ADMINISTRATIVE MOTION TO  
EXTEND THE DEADLINE FOR  
PLAINTIFF TO FILE A REPLY IN  
SUPPORT OF ITS MOTION FOR  
CLASS CERTIFICATION**

Judge: Hon. Edward M. Chen  
Courtroom: 5  
Complaint Filed: September 11, 2019

17 Pursuant to Local Civil Rule 6-3, Plaintiff Abante Rooter and Plumbing, Inc. (“Plaintiff”  
18 or “Abante”) respectfully requests that the Court issue an Order extending Plaintiff’s deadline to  
19 file a reply in support of its motion for class certification by four (4) days. In support of the  
20 instant motion, Plaintiff states as follows:

21 1. Plaintiff’s counsel conferred with counsel for Defendant Total Merchant Services,  
LLC (“Defendant” or “TMS”) regarding the request for an extension. Defendant’s counsel  
22 responded that Defendant does not object to the requested extension. (See Declaration of Taylor  
23 T. Smith (“Smith Decl.”), a true and accurate copy of which is attached hereto as Exhibit A.)

24 2. On April 12, 2021, Plaintiff filed its motion for class certification. (Dkt. 75.)

25 3. Defendant TMS filed its response in opposition to Plaintiff’s motion on May 10,  
26 2021. (Dkt. 76.) TMS’s opposition disputes Plaintiff’s ability to satisfy every element of class

certification.

4. Plaintiff's reply in support of its motion is due within seven days of TMS's response, on or before May 17, 2021.

5. Plaintiff requests a brief four-day extension of its deadline to file reply. The additional time will permit Plaintiff to adequately research and respond to each of the arguments raised in Defendant's response.

6. Additionally, the requested extension will not require an extension of the hearing on the motion for class certification, which is presently scheduled for June 10, 2021, at 1:30 p.m.

WHEREFORE, Plaintiff respectfully requests that the Court issue an Order extending Plaintiff's deadline to file a reply in support of its motion for class certification by four (4) days until May 21, 2021.

Respectfully submitted,

Dated: May 11, 2021

**ABANTE ROOTER AND PLUMBING, INC.,**  
individually and on behalf of all others similarly  
situated,

By: /s/ Taylor T. Smith  
One of Plaintiff's Attorneys

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Attorneys for Plaintiff and the Classes

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on May 11, 2021.

/s/ Taylor T. Smith